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October 10, 2024

VIA ECF

Judge P. Kevin Castel
United States District Court
Southern District of New York
Courtroom 11D
500 Pearl Street
New York, New York 10007

*Motion is
deemed withdrawn
without prejudice.
SO ORDERED.
J. Watts, USAS
10-17-24*

**Re: *Peleus Insurance Company v. Southwest Marine and General
Insurance Company and Alfredo Rojas Escobar***
SDNY Civil Case No.: 1:24-cv-00954-PKC

Dear Judge Castel:

Our firm represents Defendant Southwest Marine and General Insurance Company, (“Defendant”) in the above action. [We are writing to respectfully withdraw our September 25, 2024 motion to compel and reserve the right to renew the motion.]

We wrote to the Court on September 11, 2024 seeking a pre-motion discovery conference pursuant to Local Rule 37.2 to discuss the appropriate motion and relief based on non-party, 204-210 Elizabeth Street LLC’s (“Elizabeth”), failure to comply with Defendant’s subpoenas to submit documents, information or objects and to testify at deposition in a civil action. On September 25, 2024, the Court issued an order allowing Defendant to move to compel discovery. On September 25, 2024, we filed a motion to compel Elizabeth’s compliance with Defendant’s subpoenas. On October 2, 2024, the Court issued an order requiring Elizabeth to show cause by October 11, 2024 as to why it should not comply with the subpoenas.

After timely service of the Court’s Order, on October 8, 2024, we heard from counsel on behalf of Elizabeth, who is cc’d to this letter. We are coordinating with Elizabeth’s counsel with respect to the response to the subpoenas and expect to have the sought-after discovery completed within 45 days of this letter. Accordingly, we withdraw our motion. However, we reserve our right to renew this motion in the event that we are not able to obtain the sought-after discovery within 45 days.

We thank the Court for its attention to this matter and its considerations in this regard.

KAUFMAN DOLOWICH LLP

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cc: All Counsel of Record (via ECF)
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